

PROTEST OF THE ALABAMA DELEGATION.

TO THE HON. CALEB CUSHING,

President of the Democratic National Convention, now in session in the city of Charleston, South Carolina.

The undersigned delegates, representing the State of Alabama in this Convention, respectfully beg leave to lay before your honorable body the following statement of facts :

On the eleventh day of January, 1860, the Democratic party of the State of Alabama met in Convention, in the city of Montgomery, and adopted "with singular unanimity, a series of resolutions herewith submitted :

"1. *Resolved by the Democracy of the State of Alabama in Convention assembled, That holding all issues and principles upon which they have heretofore affiliated and acted with the National Democratic party to be inferior in dignity and importance to the great question of slavery, they content themselves with a general re-affirmance of the Cincinnati platform as to such issues, and also endorse said platform as to slavery, together with the following resolutions :*

2. *Resolved further, That we re-affirm so much of the first resolution of the platform adopted in the Convention by the Democracy of this State, on the 8th of January, 1856, as relates to the subject of slavery, to-wit : "The unqualified right of the people of the slaveholding States to the protection of their property in the States, in the Territories, and in the wilderness, in which Territorial Governments are as yet unorganized.*

3. *Resolved further, That in order to meet and clear away all obstacles to a full enjoyment of this right in the Territories, we re-affirm the principle of the 9th resolution of the platform adopted in Convention by the Democracy of this State, on the 14th of February, 1848, to wit : "That it is the duty of the General Government, by all proper legislation, to secure an entry into those Territories of all the citizens of the United States, together with their property of every description, and that the same should be protected by the United States while the Territories are under its authority."*

4. *Resolved further, That the Constitution of the United States is a compact between sovereign and co-equal States, united upon the basis of perfect equality of rights and privileges.*

5. *Resolved further, That the Territories of the United States are common property, in which the States have equal rights, and to which the citizens of every State may rightfully emigrate, with their slaves or other property recognized as such, in any of the States of the Union, or by the Constitution of the United States.*

6. *Resolved further, That the Congress of the United States has no power to abolish slavery in the Territories, or to prohibit its introduction into any of them.*

7. *Resolved further, That the Territorial Legislatures, created by the legislation of Congress, have no power to abolish slavery, or to prohibit the introduction of the same, or to impair by unfriendly legislation the security and full enjoyment of the same within the Territories ; and such constitutional power certainly does not belong to the people of the Territories in any capacity, before, in the exercise of a lawful authority, they form a Constitution preparatory to admission as a State into the Union ; and their action in the exercise of such lawful authority, certainly cannot operate or take effect before their actual admission as a State into the Union.*

8. *Resolved further, That the principles enunciated by Chief Justice Taney, in his opinion in the Dred Scott case, deny to the Territorial Legislature the power to destroy or impair, by any legislation whatever, the right of property in slaves, and maintain it to be the duty of the Federal Government, in all of its departments, to protect the rights of the owner of such property in the Territories ; and the principles so declared are hereby asserted to be the rights of the South, and the South should maintain them.*

9. *Resolved further*, That we hold all of the foregoing propositions to contain *cardinal principles*—true in themselves—and just and proper, and necessary for the safety of all that is dear to us; and we do hereby instruct our delegates to the Charleston Convention to present them for the calm consideration and approval of that body—from whose justice and patriotism we anticipate their adoption.

10. *Resolved further*, That our delegates to the Charleston Convention are hereby expressly instructed to insist that said Convention shall adopt a platform of principles, recognizing distinctly the rights of the South as asserted in the foregoing resolutions; and if the said National Convention shall refuse to adopt, in substance, the propositions embraced in the preceding resolutions, prior to nominating candidates, our delegates to said Convention are hereby positively instructed to withdraw therefrom.

11. *Resolved further*, That our delegates to the Charleston Convention shall cast the vote of Alabama as a unit, and a majority of our Delegates shall determine how the vote of this State shall be given.

12. *Resolved further*, That an Executive Committee, to consist of one from each Congressional District, be appointed, whose duty it shall be, in the event that our Delegates withdraw from the Charleston Convention, in obedience to the 10th resolution, to call a Convention of the Democracy of Alabama to meet at an early day to consider what is best to be done."

Under these resolutions the undersigned received their appointment, and participated in the action of this Convention.

By the resolution of instruction, the tenth in the series, we were directed to insist that the platform adopted by this Convention should embody, "in substance," the propositions embraced in the preceding resolutions, prior to nominating candidates.

Anxious, if possible, to continue our relations with this Convention, and thus to maintain the nationality of the Democratic party, we agreed to accept, as the substance of the Alabama platform, either of the two reports submitted to the Convention by the majority of the Committee on Resolutions—this majority representing not only a majority of the States of the Union, but also the only States at all likely to be carried by the Democratic party in the Presidential election. We beg to make these reports a part of this communication:

1ST REPORT.

"*Resolved*, That the platform adopted at Cincinnati be affirmed, with the following resolutions:

1. *Resolved*, That the Democracy of the United States hold these cardinal principles on the subject of Slavery in the Territories: First, That Congress has no power to abolish Slavery in the Territories. Second, That the Territorial Legislature has no power to abolish Slavery in any Territory, nor to prohibit the introduction of slaves therein, nor any power to exclude slavery therefrom, nor any power to destroy or impair the right of property in slaves by any legislation whatever.

2. *Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character, subversive of the Constitution, and revolutionary in their effect.

3. *Resolved*. That it is the duty of the Federal Government to protect, when necessary, the rights of persons and property, on the high seas, in the Territories, or wherever else its constitutional authority extends.

4. *Resolved*, That the Democracy of the nation recognize it as the imperative duty of this government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

5. *Resolved*, That the National Democracy earnestly recommend the acquisition of the Island of Cuba at the earliest practicable period.

Whereas, That one of the greatest necessities of the age, in a political, commercial, postal and military point of view, is a speedy communication between the Pacific and Atlantic coasts; therefore, be it

Resolved, That the National Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill for the construction of a Pacific Railroad, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

2D REPORT.

Resolved, That the platform adopted by the Democratic party at Cincinnati be affirmed, with the following explanatory resolutions:

First. That the government of a Territory, organized by an Act of Congress, is provisional and temporary; and during its existence, all citizens of the United States have an equal right to settle, with their property, in the Territory without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

Second. That it is the duty of the Federal Government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends.

Third. That when the settlers in a Territory, having an adequate population form a State Constitution, the right of sovereignty commences, and, being consummated by admission into the Union, they stand on an equal footing with the people of other States; and the State, thus organized, ought to be admitted into the Federal Union, whether its Constitution prohibits or recognizes the institution of slavery.

Fourth. That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain, at the earliest practicable moment.

Fifth. That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character, subversive of the Constitution, and revolutionary in their effect.

Sixth. That the Democracy of the United States recognize it as the imperative duty of this Government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

Whereas, One of the greatest necessities of the age, in a political, commercial, postal and military point of view, is a speedy communication between the Pacific and Atlantic coasts; therefore, be it

Resolved, That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific Railroad, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

These reports received the endorsement in the Committee on Resolutions of every Southern State, and had either of them been adopted as the platform of principles of the Democratic party, although possibly in some respects subject to criticism, we should not have felt ourselves in duty bound to withhold our acquiescence.

But it has been the pleasure of this Convention, by an almost exclusive sectional vote, not representing a majority of the Democratic electoral vote, to adopt a platform which does not, in our opinion, nor in the opinion of those who urge it, embody in substance the principles of the Alabama resolutions. That platform is as follows:

"1. *Resolved,* That we, the Democracy of the Union, in Convention assembled, hereby declare our affirmation of the resolutions unanimously adopted and declared as a platform of principles by the Democratic Convention at Cincinnati, in the year 1856, believing that Democratic principles are unchangeable in their nature, when applied to the same subject matters; and we recommend as the only further resolutions, the following:

2. *Resolved,* That the Democratic party will abide by the decisions of the Supreme Court of the United States on the questions of constitutional law.

3. *Resolved,* That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad, and whether native or foreign.

4. *Resolved,* That one of the necessities of the age, in a military, commercial and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast, at the earliest practicable period.

5. *Resolved,* That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain.

6. *Resolved,* That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character, subversive of the Constitution, and revolutionary in their effect."

The points of difference between the Northern and Southern Democracy are:

1st. As regards the *status* of slavery as a political institution in the Territories, whilst they remain Territories, and the power of the people of a Territory to exclude it by unfriendly legislation; and

2d. As regards the duty of the Federal Government to protect the owner of slaves in the enjoyment of his properties so long as they remain such.

This Convention has refused, by the platform adopted, to settle either of these propositions in favor of the South. We deny to the people of a Territory any power to legislate against the institution of slavery; and we assert that it is the duty of the Federal Government, in all its departments, to protect the owner of slaves in the enjoyment of his property in the Territories. These principles, as we state them, are embodied in the Alabama platform.

Here, then, is a plain, explicit and direct issue between this Convention and the constituency which we have the honor to represent in this body.

Instructed as we are, not to waive this issue, the contingency, therefore, has arisen when, in our opinion, it becomes our duty to withdraw from this Convention. We beg, sir, to communicate this fact through you, and to assure the Convention that we do so in no spirit of anger, but under a sense of imperative obligation, properly appreciating its responsibilities, and cheerfully submitting to its consequences.

L. P. WALKER, Chairman.
 J. S. LYON,
 JOHN A. WINSTON,
 ROBERT G. SCOTT,
 A. B. MEEK,
 J. R. BREARE,
 H. D. SMITH,
 JOHN ERWIN,
 W. L. YANCEY,
 D. W. BAINE,
 N. H. R. DAWSON,
 R. M. PATTON,
 W. C. McIVER,

P. O. HARPER,
 LEWIS L. CATO,
 JNO. W. PORTIS,
 F. G. NORMAN,
 J. C. GUILD,
 JULIUS C. B. MITCHELL,
 W. C. SHERROD,
 G. G. GRIFFIN,
 J. T. BRADFORD,
 T. J. BURNETT,
 A. G. HENRY,
 WM. M. BROOKS,
 R. CHAPMAN.

IN THE HOUSE OF DELEGATES OF VIRGINIA,

21 February, 1860

IN FAVOR OF THE PROPOSED

WALKER, EVANS & Co. PRINT., CHARLESTON.

CONFERENCE OF SOUTHERN STATES

RICHMOND:

WM. H. CLEMENTS, PRINTER.

1860